



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Health

- ☐ Preproposal Statement of Inquiry was filed as WSR ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR ; or
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-205-990 Decontamination of Illegal Drug Manufacturing and Storage Sites--fees

Hearing location(s):

Washington State Department of Health
Town Center 2 Building, Room 158
111 Israel Rd. SE
Tumwater, WA 98501

Submit written comments to:

Name: Carolyn Comeau

Address:

Office of Environmental Health & Safety
PO Box 47825
Olympia, WA 98504-7825

Web site: <http://www3.doh.wa.gov/policyreview/>**fax:** (360) 236-2261 **by (date)** 07/11/2006**Date:** July 11, 2006 **Time:** 11:30 am**Date of intended adoption:** 07/14/2006**(Note: This is NOT the effective date)****Assistance for persons with disabilities:** Contact

Carolyn Comeau by 07/03/2006

TTY (800) 833-6388 or () 711

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rule revises the fee structure for Illegal Drug Manufacturing and Storage Sites (aka Clandestine Drug Lab) contractor certifications, worker certificates, supervisor certifications, reciprocal certifications, refresher courses, and training provider certifications. The fees within the rule are paid by contractors, supervisors, workers and training course providers involved in the business of decontamination training or decontaminating illegal drug labs or illegal drug storage sites as part of the Department's certification process for qualified cleanup and training specialists.

During the 2005 legislative session, the legislature authorized the department to increase fees beyond the fiscal growth factor in ESSB 6090 (Chapter 518, 2005 Laws of Washington).

Reasons supporting proposal:

The proposed fees provide an increased proportion of the revenue necessary for DOH to conduct the certification program. This program is essential to public health protection by assuring that training course providers, contractors and their staff demonstrate essential skills and knowledge necessary for the cleanup of illegal drug labs or storage sites. Local health jurisdictions utilize the approved list of contractors for cleanup of sites in counties around the state.

Statutory authority for adoption:

RCW 43.70.250 & RCW 64.44.060

Statute being implemented:

chapter 64.44 RCW

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

DATE

06-07-06

NAME (type or print)

Mary C. Selecky

SIGNATURE**TITLE**

Secretary

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 7 2006

TIME

1003

WSR

06-12-114

AM
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None

Name of proponent: (person or organization)

Department of Health

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name

Office Location

Phone

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Enforcement	Carolyn Comeau	PO Box 47825, Olympia Wa 98504-7825	(360) 236-3381

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone:

fax:

e-mail:

☒ No. Explain why no statement was prepared.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025(3), a small business economic impact statement is not required for rules that set or adjust fees pursuant to legislative standards. This rule proposes to revise fees necessary to defray the costs of administering the clandestine drug lab program. The Department is directed under RCW 43.70.250 to set fees so that the cost of a business license program is fully borne by members of that business. During the 2005 legislative session, the legislature authorized the department to increase fees beyond the fiscal growth factor under chapter 518, Laws of 2005.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone:

fax:

e-mail:

☒ No. Please explain:

A cost-benefit analysis is not required under RCW 34.05.328, RCW 34.05.328 (5)(b)(vi), "significant rule analysis" does not apply to rules that set or adjust fees pursuant to legislative standards, as this proposal does.

AMENDATORY SECTION (Amending WSR 03-13-123, filed 6/18/03, effective 7/19/03)

WAC 246-205-990 Fees. (1) The department ~~((shall))~~ charges the following fees for ((issuance)) issuing and ((renewal of)) renewing certificates. ~~((The department shall set the fees by rule.))~~

(2) The fees ~~((shall))~~ must cover the cost of issuing certificates, filing papers and notices, and administering this chapter. The costs ~~((shall))~~ include reproduction, travel, per diem, and administrative and legal support costs.

(3) Fees are nonrefundable and ~~((shall be in the form of))~~ must be paid by check or money order made payable to the department.

(4) ~~((The department shall require payment of))~~ An applicant must pay the following fees ((upon receipt of)) when submitting application:

(a) ~~((Twenty-eight))~~ One hundred dollars ~~((shall be assessed))~~ for each initial, renewal, or reciprocal worker certificate application.

(b) ~~((Twenty-eight))~~ Two hundred dollars ~~((shall be assessed))~~ for each initial, renewal, or reciprocal supervisor certificate application.

(c) ~~((Five hundred seventy))~~ One thousand one hundred twenty-five dollars ~~((shall be assessed))~~ for each initial, renewal, or reciprocal authorized contractor certificate application. The applicant's certificate shall expire annually on the expiration date of the contractor's license issued under ~~((the provisions of))~~ chapter 18.27 RCW.

(d) ~~((Two hundred seventeen))~~ One thousand dollars ~~((shall be assessed))~~ for each initial and renewal application ~~((and fifty-two dollars shall be assessed for each renewal application for illegal drug manufacturing or storage site decontamination training course approval))~~ for training provider certification for the worker drug lab decontamination course.

(e) One thousand dollars for each initial and renewal application for training provider certification for the supervisor drug lab decontamination course.

(f) To be certified as a training provider for the refresher training course, applicants must be certified as a training provider for the worker and supervisor courses. There is no fee for application as a training provider for the refresher training course.

(5) For annual refresher training, a registrant must pay one hundred dollars if the course is sponsored by the department.

